

MARYLAND DEPARTMENT OF THE ENVIRONMENT



1800 Washington Boulevard ● Baltimore MD 21230 410-537-3000 ● 1-800-633-6101

Martin O'Malley

Governor

August 7, 2007

Shari T. Wilson Secretary

Anthony G. Brown Lieutenant Governor

Robert M. Summers, Ph.D. Deputy Secretary

CERTIFIED MAIL

Robert Butz, Founder Chesapeake Green Fuels, LLC P.O. Box 149 Adamstown, Maryland 21710

Re

Voluntary Cleanup Program

No Further Requirements Determination

3508-3520 Fairfield Road Baltimore, Maryland 21226

Dear Mr. Butz:

The Voluntary Cleanup Program ("VCP") of the Maryland Department of the Environment ("Department") has completed a review of the application package submitted by Chesapeake Green Fuels, LLC for the 6.04-acre 3508-3520 Fairfield Road property located in Baltimore City, Maryland. The Department approves the application and the property for participation in the VCP and confirms the inculpable person status of Chesapeake Green Fuels, LLC for this property pursuant to Title 7, Subtitle 5 of the Environment Article, Annotated Code of Maryland (1996).

The Department has also determined there are no further requirements related to the investigation or remediation of controlled hazardous substances or oil identified in the environmental assessments at the 3508-3520 Fairfield Road property provided it is used for restricted commercial (Tier 2B) or restricted industrial (Tier 3B) purposes in the future and compliance is maintained with the land use requirements set forth in the enclosed No Further Requirements Determination ("NFRD"). In accordance with Section 7-506(i)(1) of the Environment Article, the enclosed NFRD must be recorded in the land records of Baltimore City within 30 days of receipt. Upon completion of the recording requirement, you are requested to submit written verification to my attention that the process has been completed and include a copy of the completed Owner's Certification and Statement of Intent found on Page 7 of 7 of the NFRD. If the recording process for the NFRD is not initiated within 30 days of receipt, the NFRD shall become void in accordance with Section 7-506(i)(2) of the Environment Article.

If the enclosed NFRD becomes void because of failure to initiate the recording process within 30 days of receipt or it is lost, misplaced or otherwise not available for recording purposes, a replacement NFRD may be obtained from the Department upon request. Please do not return the original NFRD document to the Department.



Robert Butz, Founder Page Two

In accordance with Maryland law, please note that issuance of the NFRD does not prevent the Department from: 1) taking action against any person to prevent or abate an imminent and substantial endangerment to the public health or the environment at the eligible property; 2) taking action against a responsible person concerning previously undiscovered contamination; or 3) requiring additional cleanup for future activities at the site that result in contamination by controlled hazardous substances or oil. This NFRD will not remain valid if use of the property is inconsistent with restricted commercial or restricted industrial purposes, compliance with the land use requirements is not maintained, or if the NFRD was obtained through fraud or material misrepresentation.

If the property owner wants to alter a record of determination in the land records for an eligible property, the owner shall obtain approval from the Department and submit a \$2,000 fee in accordance with Section 7-506.1(c) of the Environment Article. In addition, the owner will be responsible for the cost of any necessary further remediation of the property to the appropriate standard.

Please note that all participants in the Voluntary Cleanup Program are charged a \$2,000 fee upon issuance of a NFRD conditioned on certain uses of the property or on the maintenance of certain conditions. The Department will therefore issue an invoice under separate cover for payment of the \$2,000 fee to the "Voluntary Cleanup Fund."

It is important to the Department that you fully understand the terms and conditions of the NFRD, particularly the land use controls and requirements, and the requirement to forward a copy of the NFRD to a one-call system as defined in Section 12-101 of the Public Utility Companies Article. Accordingly, you are requested to complete the enclosed one-page Certification and return it to my attention within ten (10) days of receipt of this letter.

Thank you for participating in the VCP. If you have any questions or comments, please do not hesitate to call Richelle Hanson, the project manager at 410-537-3493.

Sincerely,

La James W. Metz, Chief

Voluntary Cleanup/Brownfields Division

JWM:rah Enclosures

cc:

Marc K. Cohen, Esq., Ober, Kaler, Grimes & Shriver, P.C.

Mr. Michael J. Robertson, P.G., Advantage Environmental Consultants, LLC

Mr. Ronald Cuffie, Baltimore City Health Department

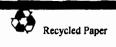
Mr. C. John Sullivan, Jr., Maryland Department of Assessments and Taxation

Mr. Horacio Tablada

Mr. Saeid Kasraei

Mr. James R. Carroll

Ms. Ann Goddard (w/o enclosures)



MARYLAND DEPARTMENT OF THE ENVIRONMENT

Waste Management Administration Voluntary Cleanup Program

No Further Requirements Determination

Date of Issue: August 7, 2007

Description of Property

Name: 3508-3520 Fairfield Road Address: 3508-3520 Fairfield Road

Baltimore, Maryland 21226

Voluntary Cleanup Program Participant

Name: Chesapeake Green Fuels, LLC

Contact: Robert Butz, Founder Status: Inculpable Person

This No Further Requirements Determination is issued pursuant to Maryland law authorizing a Voluntary Cleanup Program for properties contaminated by controlled hazardous substances or oil (Section 7-501 et_seq. of the Environment Article, Annotated Code of Maryland).

The Maryland Department of the Environment, hereinafter referred to as "the Department," determines it has no further requirements related to the investigation of controlled hazardous substances or oil identified at the 6.04-acre 3508-3520 Fairfield Road property, located in Baltimore, Maryland, if the property is used for restricted commercial (Tier 2B) or restricted industrial (Tier 3B) purposes and compliance is maintained with the land use requirements specified herein.

THE MARYLAND DEPARTMENT OF THE ENVIRONMENT CERTIFIES THAT:

The Department may not bring an enforcement action against Chesapeake Green Fuels, LLC at the eligible property.

Chesapeake Green Fuels, LLC is released from further liability for the remediation of the eligible property for those contaminants identified in the environmental assessment of the eligible property. Pursuant to Section 7-506 of the Environment Article, Annotated Code of Maryland, the environmental assessment of the property includes established site assessment standards and follows principles established by the American Society of Testing and Materials that demonstrates to the satisfaction of the Department that the assessment has been conducted in accordance with those standards and principles.

Chesapeake Green Fuels, LLC is not subject to a contribution action instituted by a responsible person for the contamination identified in the environmental assessments of the property.

This No Further Requirements Determination does not:

- 1. Subject to the provisions of Section 7-505 of the Environment Article, <u>Annotated Code of Maryland</u>, prevent the Department from taking action against any person to prevent or abate an imminent or substantial endangerment to the public health or the environment at the above property;
- 2. Remain in effect if the No Further Requirements Determination is obtained through fraud or material misrepresentation;
- 3. Affect the authority of the Department to take any action against a responsible person concerning undiscovered contamination; or
- 4. Affect the authority of the Department to require additional cleanup for future activities at the site that result in contamination by hazardous substances or oil.

LAND USE CONTROLS

If this No Further Requirements Determination is conditioned on certain uses of the property or on the maintenance of certain conditions, the participant shall record this No Further Requirements Determination in the land records of the local jurisdiction within 30 days of receipt.

Check	one:
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- This No Further Requirements Determination is <u>not conditioned</u> on certain uses of the property or on the maintenance of certain conditions.
- This No Further Requirements Determination is conditioned on certain uses of the property (Tier 2A or 3A) or on the maintenance of certain conditions (Tier 1B, 2B or 3B).
- Tier 1 (Residential): Planned use of the property that allows exposure and access by all populations including infant, children, elderly, and infirmed populations.
 - A (Unrestricted): No land use controls are imposed on the property. Tier 1A properties typically include single and multi-family dwellings.
 - B (Restricted): One or more land use controls are imposed as a condition of residential use of the property. Tier 1B properties also include hospitals and health care facilities, education facilities, day care facilities, playgrounds and other recreational areas.

Tier 2 (Commercial): Planned use of the property that allows exposure and access by the general public, workers, and other expected users, including customers, patrons, or visitors. Commercial purposes allow access to the property and duration consistent with a typical business day. Tier 2 properties typically include shopping centers, retail businesses, vehicle service stations, medical offices, hotels, office space, religious institutions and restaurants.

- A (Unrestricted): No land use controls are imposed on the property for commercial use.
- B (Restricted): One or more land use controls are imposed as a condition of commercial use of the property.

Tier 3 (Industrial): Planned use of the property by workers over the age of 18, adult workers and construction workers, and other potential expected users. Industrial purposes allow access to the property at a frequency and duration consistent with a typical business day. Tier 3 properties typically include manufacturing facilities, maritime facilities, metal working shops, oil refineries, chemical and other material plants.

- A (Unrestricted): No land use controls are imposed on the property for industrial use.
- **B** (Restricted): One or more land use controls are imposed as a condition for industrial use of the property.

Land Use Controls means any restriction or control that serves to protect human health and the environment by limiting use of or exposure to any portion of the property, including water resources. These controls may include:

- Engineering controls are remedial actions directed toward containing or controlling the
 migration of contaminants through the environment. These include, but are not limited to,
 stormwater conveyance systems, slurry walls, liner systems, caps, leachate collection
 systems, pump and treat systems, and groundwater recovery systems.
- Institutional controls are legal or administrative tools designed to prevent or reduce human exposure to remaining contamination and to prevent activities that may result in increased exposure to or spread of such contamination.

LAND USE REQUIREMENTS

As set	forth	below,	the	use	ot	the	propert	y is	tor:

☐ Restricted Residential (Tier	1B) purposes
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Restricted Commercial (Tier 2B) purposes; or

Restricted Industrial (Tier 3B) purposes.

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The restricted use of the property requires compliance with the following land use requirements:

Ground Water Use

Use of the ground water beneath this property is prohibited for any purpose.

Groundwater Encountered During Excavations

When conducting any excavation activities on the property extending to the groundwater table, the property owner shall implement the requirements of a site-specific health and safety plan to ensure that all worker protection measures are met.

The encountered groundwater shall be containerized during all dewatering activities at the property and shall be analyzed before disposal. The analytical results shall be the basis for appropriate disposition of the groundwater in accordance with applicable local, State and federal laws and regulations.

DEPARTMENT NOTIFICATION

All notifications to the Department required herein shall be in writing and addressed to the attention of the Division Chief, Voluntary Cleanup Program, Waste Management Administration, Maryland Department of the Environment, currently located at 1800 Washington Boulevard, Baltimore, Maryland 21230.

ONE-CALL SYSTEM NOTIFICATION

If this No Further Requirements Determination is conditioned on certain uses of the property or on the maintenance of certain conditions, the participant shall send a copy of this document to a one-call system, as defined in Section 12-101 of the Public Utility Companies Article. The copy of this No Further Requirements Determination should be sent within 30 days of the effective date to the attention of MISS UTILITY, c/o General Manager, currently located at 7223 Parkway Drive, Suite 100, Hanover, Maryland 21076.

The obligation for the participant to send a copy of the No Further Requirements Determination does not negate the obligation of the owner, as defined in Section 12-101(f) of the Public Utility Companies Article, to become a member of the one-call system under Title 12 of the Public Utility Companies Article. Additional information may be obtained by calling 410-712-0056.

TRANSFER OF OWNERSHIP

If ownership of the property or any portion thereof is transferred, the property owner shall notify the Department at least five (5) business days prior to the transfer. In addition, any successor in interest must submit a written certification to the attention of the Division Chief of the Voluntary Cleanup Program that the successor in interest has a copy of this No Further Requirements Determination, including the land use requirements for the property.

The owner of the property and any successors in interest in the property subject to this No Further Requirements Determination shall continue to be protected from liability in the event of any violation of the conditions placed on the use of this property, provided the owner of the property and any successors in interest did not cause or contribute to the violation.

This No Further Requirements Determination does not prevent the Department from taking action against any person who uses the property for any use other than the use specified herein.

If an owner of the property wants to change the use of the property to a new use that is consistent with the appropriate planning and zoning authority of the appropriate county or municipality, the owner is responsible for the cost of cleaning up the property to the appropriate standard as determined by the Department.

ANY OTHER USE OF THE PROPERTY OR FAILURE TO COMPLY WITH THE LAND
USE REQUIREMENTS SPECIFIED HEREIN SHALL RESULT IN THIS NO FURTHER
REQUIREMENTS DETERMINATION BECOMING VOID.

Horacio Tablada, Director

Waste Management Administration

Aug. 7, 2007

STATE OF MARYLAND, County Of Baltimore TO WIT:

1 HEREBY CERTIFY, that on this 74 day of ________, 2007 before me, the undersigned Notary Public of said State, personally appeared Horacio Tablada, who acknowledged himself to be the Director, Waste Management Administration, Maryland Department of the Environment, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained as the duly authorized Director of said Administration by signing his name as Director of said Administration.

WITNESS my hand and Notarial Seal.

Notary Public Num

My Commission Expires: ___//-1-08_____

RICINAL

OWNER'S CERTIFICATION AND STATEMENT OF INTENT

No Further Requirements Determination, here 3508-3520 Fairfield Road property, as well as Further Requirements Determination, shall run and assigns.	s the land use requirements s	s on the use of the set forth in this No
Date	Property Owner	
*****	********	
STATE OF MARYLAND,	OF	, TO WIT:
I HEREBY CERTIFY, that on this the undersigned Notary Public of said State, pe who acknowledged himself to be the person wh and acknowledged that he executed the same by	rsonally appearedose name is subscribed to the	,
WITNESS my hand and Notarial Seal.		
·	Notary Public	
My Commission Expires:		

CERTIFICATION

I HEREBY CERTIFY that I have received the No Further Requirements

Determination issued to Chesapeake Green Fuels, LLC by the Maryland Department of
the Environment, Voluntary Cleanup Program, on August 7, 2007 for the 6.04-acre 35083520 Fairfield Road property located in Baltimore City, Maryland 21226.

I FURTHER CERTIFY that I have read the No Further Requirements Determination and understand the restricted commercial or restricted industrial use of the property, the prohibition on the use of groundwater beneath the property for any purpose, the requirements for groundwater encountered during excavation and the requirement to forward a copy of the No Further Requirements Determination to a one-call system as defined in Section 12-101 of the Public Utility Companies Article.

Date

Robert Butz, Founder Chesapeake Green Fuels, LLC P.O. Box 149 Adamstown, Maryland 21710

Please return within ten (10) days to:

James W. Metz, Chief Voluntary Cleanup/Brownfields Division Waste Management Administration Maryland Department of the Environment 1800 Washington Boulevard, Suite 625 Baltimore, Maryland 21230